

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division

DAVID ANTHONY RUNYON,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

: Civil No. 4:15-cv-108
: Original Criminal No. 4:08-cr-16-3
: CAPITAL §2255 PROCEEDINGS

: HON. REBECCA BEACH SMITH

ORDER

Upon the motion of the Petitioner, David Anthony Runyon, by and through his attorneys, and with no opposition from the Government, it is hereby,

ORDERED that:

1. Notwithstanding this Court's prior direction to the parties that the Petitioner "shall be present for this status conference", (ECF No. 638 dated August 20, 2021) the Court now finds that there is sufficient cause to allow Mr. Runyon to appear at the Status Conference via video conference.
2. In early 2020, US Congress passed legislation known as the CARES Act in response to the COVID-19 pandemic. This allowed for the use of video and telephone conferencing, under certain circumstances and with the consent of the defendant, for various federal criminal case events. The United States District Court for the Eastern District of Virginia issued several general orders authorizing the use of video conferencing or telephone conferencing for criminal proceedings (See General Orders 2021-07, 2021-03 and 2020-24). While these general orders are no longer in effect, it was the policy of this Court, at one time, to allow the use of video

conferencing based on COVID-19 concerns, and the Court has authority to authorize such conferencing when the circumstances of an individual case indicate that it is appropriate. Mr. Runyon's concerns regarding COVID-19 are valid and should not be dismissed. This order does not waive Mr. Runyon's appearance at any future proceedings. His presence at any future proceedings, specifically and including, any and all proceedings that will address his substantive and/or Constitutional rights, are not waived and his presence at those hearings will be required, subject to good reason for the use of video conferencing or telephone conferencing.

THEREFORE, IT IS HEREBY ORDERED THAT pursuant to Rule 12 of the RULES GOVERNING §2255 PROCEEDINGS ("2255 RULES"), to Fed.R.Crim.P. 43(b)(3), and based on the previous general orders of this District Court regarding the authorization of video or telephone conferencing, Mr. Runyon may appear via video conference at the previously scheduled Status Conference on November 15, 2021, at 2:00 p.m.

The Clerk is DIRECTED to forward a copy of this Order to the Warden at the US Penitentiary at Terre Haute, Indiana.

IT IS SO ORDERED.

Dated: 9-21-21

/s/ 
Rebecca Beach Smith
Senior United States District Judge
REBECCA BEACH SMITH
Senior United States District Judge